



WESTCHESTER PHYSICIAN

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PRESIDENT'S MESSAGE *Outgoing Remarks*

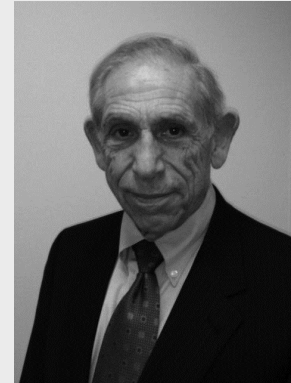
As I turn over the helm of the Westchester County Medical Society to our President-elect, Dr. Louis McIntyre, I look back on a year of accomplishment for the Society and the marvelous work of all the members of the crew.

Before I extend my thanks to all the members of the crew, I have to acknowledge that special thanks go to my wife Helen for her support, review of my messages, and putting up with my frequent absences.

We have increased our membership during the time of a downward trend, in large part because of the work of past presidents, particularly Dr. Abe Levy and Dr. Thomas Lee, and our Executive Director, Brian Foy. Dr. Lee has also brought WCMS to the forefront of state health care legislative activities. As we visited Albany this year we saw and heard evidence of his ongoing and effective work on behalf of the Society.

We have seen an improvement in our financial position under the able leadership of our Treasurer Dr. Robert Ciardullo with the outstanding efforts of our hardworking and capable Executive Director, Brian Foy. The Westchester Academy of Medicine, guided by its President, Dr. Joseph Tartaglia, has contributed greatly to this success. Dr. Thomas Lester, our newly elected President-elect, has served as Vice President and has put in a tremendous effort leading our continuing medical education activities aided immensely by Membership & CME Director Karen Foy, who also serves as the Managing Editor of our newsletter. I would also like to thank our WCMS Secretary, Dr. Howard Yudin and all the members of the Board who devoted their time and efforts on behalf of the Society. Many past WCMS Presidents, including Drs. Robert Soley, William Walsh and Peter Liebert have continued to put in time and effort to support WCMS activities. Dr. William Zurhellen, President of the Putnam County Medical Society has led that society to a special relationship with WCMS and contributed a deep fund of knowledge and experience to our Board meetings. I also extend my congratulations to our incoming Vice President, Dr. Gino Bottino and Secretary, Dr. Daniel Zelazny.

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ROBERT G. LERNER, MD
President, WCMS

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UPCOMING EVENTS

- Academy Golf Outing
Thursday, October 2nd at 12:30 p.m.
Westchester Country Club
Rye, NY
- Annual Pool Party & BBQ
Saturday, August 9th from 1-5 p.m.
Home of Drs. Robert & Kira Ciardullo

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*FROM THE EDITOR...***CHAPTER FROM A NOVEL IN PROGRESS****PETER J. ACKER, MD**

The elevator door opened and Shawn could see in the distance a large group of people clustered around a chart rack which was making its unwieldy way slowly down the corridor, like a Bedouin caravan. It stopped in front of a room and one of the group, a tall white bearded man with a professional air, took a chart from the rack. This was the famous and austere Dr. Johnson, whose greatest pleasure, it was said, was to lay bare for all to see, the shocking ignorance of the much vaunted residents, interns and medical students of this august institution before disappearing, smug and satisfied, to an unknown place where attending physicians spent their time when not torturing people on rounds. Shawn moved quickly, but quietly, down the long corridor. Dr. Johnson's head was bent over the chart in a deep meditative concentration and he was surrounded by a group of residents and medical students. The one with old sneakers and jeans and jaded mien was the senior resident. The medical students were neat, scrubbed, and eager as puppies.

Shawn tried to slip unobtrusively into the group, straining to keep his breathing slow and silent, but Dr. Johnson sensed his presence and spoke without lifting his head.

"Dr. Budd, we are on our third patient. The first two patients were highly instructive." He paused and turned his head and locked his flinty eyes onto Shawn's before continuing, "Highly instructive, that is, to those who were actually here."

"Sorry, sir.."

"Now, Dr. Budd, we were just talking about the sodium requirements of this child of twelve kilos who is 6% dehydrated. Perhaps you could, for all our edification, elucidate the calculations involved."

All eyes were now upon him. He scanned the group. The med students were attentive, so young, so innocent. The other residents' expressions were of relief with a hint of schadenfreude for they knew that Shawn was to be today's sacrificial lamb and would slake the appetite of an angry attending. He felt like a gladiator in the pit with jeering spectators. The edges of Dr. Johnson's lips began to rise ever so slightly, though not into an actual smile and Shawn saw something anticipatory in his expression. He kept his own expression blank as he calculated in his head: not the trivial sodium problem, for Shawn, despite the opinion of his chief resident, prepared meticulously, but instead he pondered a subtle problem of roundmanship - whether he should falter a bit in his answer. Instead, he outlined the steps of the calculation with economy of language and exactitude. His reward was Johnson's highest praise, a guttural harrumph. His punishment he knew would be unstinting questioning from an attending who had been given years before the sobriquet "the grill meister." The gates releasing the lions into the pit were opened and Shawn steeled himself for the onslaught.

(continued on page 3)

PRESIDENT'S MESSAGE *(continued from page 1)*

Thanks should go to all our members, as well as our sponsors and business partners. A special note is owed to our Counsel, Mr. Don Moy of Kern Augustine Conroy & Schoppmann.

A measure of the influence of the Westchester County Medical Society can be found in how many of our Past Presidents have been and are in leadership positions in the Medical Society of the State of New York. Dr. Andrew Kleinman is the current President and often quoted by national news media; Dr. Michael Rosenberg is a Past President of MSSNY and currently Chair of the Board of Trustees; Dr. Mark Fox served as Speaker of the House of Delegates and currently serves as a Trustee; Dr. Bonnie Litvack serves as the Ninth District Councilor; and Dr. Kira-Geraci Ciardullo currently serves as Vice-Speaker of MSSNY and at the AMA meeting held earlier this month was elected to serve on the Council on Science and Public Health.

I have written many "messages" in our newsletter, the *Westchester Physician*, often about national issues in health care delivery. In those messages I have indicated my support for a national health plan and also urged all physicians to get involved in the discussions that will shape the future of medical practice by joining our Society and adding their ideas and numbers to our voice. I once again ask physicians to join us and also help our voices to be heard by contributing to MSSNY-PAC.

**CHAPTER FROM A NOVEL IN PROGRESS** *(continued from page 2)*

Three patients later and they were in front of a young patient with fever and swollen joints who had been admitted the night before. Johnson took a long look at the chart, did a meticulous physical exam and then turned towards the group, his eyes shining. Now Shawn felt catapulted from the Roman gladiatorium to 17th century France, sword in hand, taking on the King's musketeers in a Paris alleyway for both the third and second year residents had entered the fray. Each time he parried a question successfully, another came from behind him. Jones criteria for Rheumatic fever? Carditis, polyarthritis, chorea, erythema marginatum, and subcutaneous nodules. What presents as a lower extremity rash with kidney and GI manifestations? Henoch-Schönlein purpura. Finally, he was tripped up by a question on the insect etiology of Chagas disease - he could not summon from the depths of his cerebral cortex the name of the redoubtable Reduviid Beetle. Shawn felt the blade penetrate and wanted to shout, "Oh my liege, I am smote."

"Well, Dr. Budd, I see you need to review the insect borne diseases of South America."

"Yes, Dr. Johnson, I will give it my full attention."

Johnson and the two senior residents turned their attention to weaker prey. Rounds proceeded at a glacial pace. No detail was too minor not to be brought out and examined in the light from every angle. At last, they reached the last patient, and lingered interminably. Finally Dr. Johnson strode off. Shawn stood looking at his clipboard on which each patient was listed. Beside each patient's name he had listed to do items suggested by Dr. Johnson. Shawn looked at the list with the dismay and disbelief of a person checking his monthly credit card statement. Bloods to draw, EKG's to perform and read, IV's to start, X-rays to arrange, orders to write, patients to examine, and chart notes to write. Wearily, he walked down to the room of the first patient on his list, pulled out his blood drawing tourniquet from his pocket and entered.



INAUGURAL REMARKS OF MSSNY PRESIDENT ANDREW KLEINMAN, MD

The following is excerpted from remarks given by Andrew Kleinman, MD, on his election to President of MSSNY at the House of Delegates Meeting held in April.

Colleagues:

I am thankful for the opportunity to serve you, as well as the patients who depend upon your care. I am honored to walk in the footsteps of all my distinguished predecessors who served before me, and who have fought to assure that our patients can continue to receive the care they need.

Given all the challenges we face, we need a strong MSSNY more than ever. As evidenced by our recent success in the just-enacted State budget, MSSNY has a strong track record of delivering for all New York physicians, even those who are not members. But that cannot continue if not enough physicians across New York state are aware of and support our efforts.

MSSNY is and must remain the representative of all physicians, regardless of specialty, region or practice setting, and we must be responsive to the issues facing all physicians. To that end, over the last few years we have worked to greatly enhance our collaboration with the wide variety of specialty medical societies in New York state. Time and time again, your specialty society's advocacy goals become MSSNY's advocacy goals.

At the same time, there are issues, across region, across specialty, and across practice settings which unite us all as physicians. Expanding out-of-network coverage is one of those issues. So is assuring health insurer network adequacy. So is preventing bills which expand liability. So is fighting inappropriate regulation of physician practice. And so is fighting back against physician terminations by Medicare Advantage companies. By its very nature, MSSNY must be the leading voice for these issues.

Unquestionably, the practice of medicine and the practice settings where physicians deliver this care is changing. As your President, you have my assurance that I will continue to fight as strongly and as loudly as I can for all physicians to be able to have a true choice of where to deliver care, whether that be in academic medicine, employed by a hospital, employed in a large group, as a partner of a large group, and of course as operating your own solo or small group.

But we need your continued support, and the support of colleagues not currently members, to effectively make this fight.

Legislative proposals to expand liability, proposals to expand regulation of office-based physician practice and proposals to expand non-physicians' scope of practice are all bills MSSNY faces and defeats every year. But that does not mean they do not reappear each year before the Legislature. We need the resources to continue to fight each year, including again this year.

Moreover, we have achieved a number of important victories over the years to address health insurer abuses. The Legislature's recent passage of legislation to assure the availability and transparency of comprehensive out-of-network coverage for our patients and preserving UCR as the standard payment is the most recent example of what we can accomplish when we successfully channel our power. And we must remember that this victory was not only important for the small percentage of physicians who stay out-of-network but for the overwhelming majority of physicians because it preserves some ability for you to walk away when an insurer is offering an undesirable contract. Without a viable option to walk away from a "take it or leave it" contract offered by an insurer, all physicians would be negatively impacted by losing whatever negotiating leverage they may have. Without these new protections, physicians would face the situation where it would be "take it or leave the state."

(continued on page 7)

The Westchester County Medical Society is pleased to announce that Senior Director – Investments David Birnbaum, Oppenheimer & Co. Inc., is a proud sponsor of the Westchester County Medical Society and Westchester Academy of Medicine's Annual Meeting and Program. We look forward to introducing ourselves at your annual meeting.

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KIRA GERACI-CIRADULLO, MD ELECTED TO AMA COUNCIL ON SCIENCE & PUBLIC HEALTH

WCMS member Kira Geraci-Ciardullo, MD, MPH, was elected to the AMA Council on Science and Public Health at the annual House of Delegates meeting in Chicago.

“I am honored to serve on the Council on Science and Public Health, the AMA’s most public face,” said Dr. Geraci. “It is a powerful resource for physicians because it synthesizes medical and scientific knowledge on key public health issues. My passion is to be involved in understanding the science behind our most pressing health issues. CSPH is critical to the way physicians, and frequently legislative and regulatory agencies, view complex matters in the area of health and medicine.”

“I’ve known Kira for many years and am certain she will bring to the AMA the same enthusiasm, character and determination I’ve come to value in her over the years,” said WCMS member and MSSNY President Andrew Kleinman, MD. “She has served MSSNY in so many vital ways, especially in the interest of public health - notably as chair of MSSNY’s Emergency Preparedness Committee. The AMA is fortunate to have Kira on the Council on Science and Public Health.”

A member of WCMS for twenty-eight years, Dr. Geraci has held many leadership positions in WCMS and MSSNY. She served as President of the Westchester Academy of Medicine and President of the WCMS in 2002 and is Chair of the Committee on Membership. Dr. Geraci currently serves as Vice Speaker and on MSSNY committees for quality improvement, emergency preparedness, and preventive medicine and family health.



INAUGURAL REMARKS OF MSSNY PRESIDENT ANDREW KLEINMAN, MD

(continued from page 4)

However, we need the resources to continue our fight for further needed health insurance reforms, including addressing the problems we face with the new Exchange plans.

My goals for my Presidential year is to restore MSSNY’s place in the public as the leading voice regarding issues relating to the challenges we face in health care delivery in New York state, and to increase our ability to have legislators and regulators be responsive to the hassles we face with insurers. But that will only happen if we have sufficient resources to assure our perspective in a rapidly changing health care world is not only heard occasionally, but sought and routinely reported on by the media, and sought and understood by policymakers.

However, in order to do this successfully, we need the resources to support and enhance the efforts of MSSNY. Too few physicians in New York support MSSNY and MSSNYPAC, despite the clear benefits. We must increase membership in both to give us the tools to more effectively make our fight.

As a first step, we plan to significantly increase our public presence, both in terms of communicating with the media as well as enhancing the information we routinely provide to our members.

I am very confident that we can expand our past successes, and achieve many more in the year ahead. Let’s commit ourselves to take the necessary steps that will enable these successes to occur.

I look forward to having a very productive year and once again, I thank you for the honor of being able to serve you.

Andrew Kleinman, MD
President

 IN MEMORIAM

William P. Clark, MD

1921 - 2014

WCMS Past President

William P. Clark, MD, who served as WCMS President in 1974, passed away on March 26, 2014, at the age of 92. Dr. Clark was born on April 17, 1921, in Mount Vernon, the third of five children of Frank J. and Jane E. Clark.

Dr. Clark graduated cum laude from the University of Notre Dame and received his MD degree with honors from NYU. Dr. Clark served three years in the U.S. Army Medical Corps, attaining the rank of Captain.

Dr. Clark practiced internal medicine for thirty-six years in Eastchester. Besides serving as President of the WCMS, he served as Vice Speaker of the House of Delegates of the Medical Society of the State of New York, a Delegate to the AMA, and on the Medical Liability Mutual Insurance Company of New York's Board of Directors, as well as on the Board of the Association for Mentally Ill Children of Westchester. Dr. Clark was also a member of the Board of Governors of Lawrence Hospital. After retiring, Dr. Clark moved to his home on Candlewood Isle, CT, and served as a volunteer in the Indian Health Service on several reservations throughout the Southwest.

Dr. Clark is survived by his children: William P. Clark, Jr., MD, Andrea Clark, Monica Clark, Louise Clark, Lori Houchen, and Ann Clark and four grandchildren.

SAVE THE DATE

The Annual Academy Pool Party and BBQ will be held on **August 9th**, from 1 - 5 p.m. at the home of **Drs. Robert & Kira Ciardullo**





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Westchester Academy of Medicine 2014 Golf Outing & Fundraiser

**Thursday, October 2, 2014
Westchester Country Club
99 Biltmore Avenue
Rye, NY 10580**

**Registration, Driving Range & Halfway House Lunch—11:00 AM
Shotgun Start at 12:30 PM
Golf Format: Scramble
6:00 PM—Cocktails
6:45 PM—Buffet Dinner/Awards/Raffle***

If you are unable to attend, please consider making a tax-deductible donation. Contact Karen Foy at kfoy@wcms.org or 914-967-9100 for more details.

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LEGAL CORNER

News on medical-legal developments affecting physicians and health care professionals from WCMS General Counsel Kern Augustine Conroy & Schoppmann, P.C.

Medicare Payment Data Now Subject to the Freedom of Information Act

Question: Why are patients now entitled to know how much Medicare payments physicians receive when this information was previously considered private?

Answer: Effective March 18, 2014, Medicare officially began accepting requests from the public under the Freedom of Information Act (FOIA) for information on amounts paid to individual physicians under the Medicare program. Previously, the policy regarding disclosure of amounts paid to individual physicians under the Medicare program stated that, in considering the two competing interests of public transparency and privacy, the public interest in the disclosure of the amounts that had been paid to individual physicians under the Medicare program was not sufficient to compel disclosure under the FOIA. The policy was premised on two counts finding a compelling privacy interest on the part of the physicians and the United States District Court's issuance of a permanent injunction in the *Florida Medical Association* matter, which barred the disclosure of identifiable annual Medicare reimbursement payments of individual physicians or disclosure of payments in a manner that could identify individual physicians. That District Court vacated its permanent injunction on May 31, 2013, after determining that such a broad injunction was no longer authorized under the Privacy Act after the U.S. Court of Appeals for the Eleventh Circuit's decision in *Edison v. Department of the Army* (11th Cir. 1982), and thus its continued enforcement was no longer equitable. Following the court's decision, CMS solicited public comment on August 6, 2013, on its proposed policies with respect to disclosure of individual physician payment information. After a review of the court's decision and the public comments received by CMS, the Secretary has decided to replace the prior policy with a new policy in which CMS will make case-by-case determinations of whether exemption 6 of the FOIA applies to a given request for such information. CMS will weigh the balance between the privacy interest of individual physicians and the public interest in the disclosure of such information. As the outcome of the balancing test will depend on the particular circumstances, the outcomes of these analyses may vary depending on the facts of each case. However, in all cases, CMS has advised that it is "committed to protecting the privacy of Medicare beneficiaries." For a link to CMS' notice of this new policy and to review the comments from CMS' request for public comments, you can go to <http://ow.ly/vx1YO>.

If you have any questions, please contact Michael J. Schoppmann, Esq. at 1-800-445-0954 or via email at MSchoppmann@DrLaw.com.

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New York State HIV Testing Law Update: May, 2014
Changes to Simplify HIV Testing Consent and Improve Linkage to Care

HIV TESTING CONSENT PROCESS	PROMOTING LINKAGE TO CARE
<p>KEY POINT: Beginning April 1, 2014, New York State Public Health Law allows for streamlined oral patient consent to an HIV test. The law no longer requires that patient consent be obtained in writing, except in correctional facilities.* (see below)</p>	<p>KEY POINT: Beginning April 1, 2014, New York State Public Health Law allows for HIV-related information reported to the NYS Department of Health or a local department of health to be shared between authorized health department staff and medical providers treating the patient to promote linkage/ retention in health care.</p>
<p>WHAT IS DIFFERENT?</p> <ul style="list-style-type: none"> HIV testing providers no longer need to obtain written consent to an HIV test via a general medical consent form or an HIV-specific consent form. 	<p>WHAT IS DIFFERENT?</p> <ul style="list-style-type: none"> Authorized state and local health department staff are permitted to use information obtained via the state HIV/AIDS case reporting system to follow-up with medical providers regarding linkage to care and retention in care. Health departments can now work directly with providers to identify patients who may have fallen out of care. Such patients may be contacted by medical providers or health department staff to address barriers and promote engagement in care.
<p>WHAT IS THE SAME?</p> <ul style="list-style-type: none"> HIV testing providers must inform patients prior to conducting an HIV-related test and must document every HIV test in the patient medical record. Health care settings are still required to offer HIV testing as part of routine care for all persons aged 13-64 years. Key points about HIV testing are provided in writing, verbally or by video before the test. Patients may decline an HIV test. Consent is durable until revoked. 	<p>WHAT IS THE SAME?</p> <ul style="list-style-type: none"> HIV-related information in medical records remains confidential and subject to both HIPAA and Article 27-F protections. Provisions remain in place to prevent discrimination and inappropriate release of an individual's HIV status.
<p>POST-TEST COUNSELING FOR INDIVIDUALS WITH CONFIRMED HIV INFECTION</p> <p>Post-test counseling for patients with HIV infection should:</p> <ul style="list-style-type: none"> Include the same key messages as in the past with an emphasis on the benefits of antiretroviral therapy (ART) and the importance of HIV viral suppression. Explain that if a person with HIV appears to have fallen out of care, he or she may be contacted by the medical provider or health department staff to address barriers to entry into care and promote engagement in care. 	
<p>* KEY POINT: EXCEPTION FOR CORRECTIONAL FACILITIES Written informed consent is required when HIV testing is performed in state and local prisons or jails.</p>	

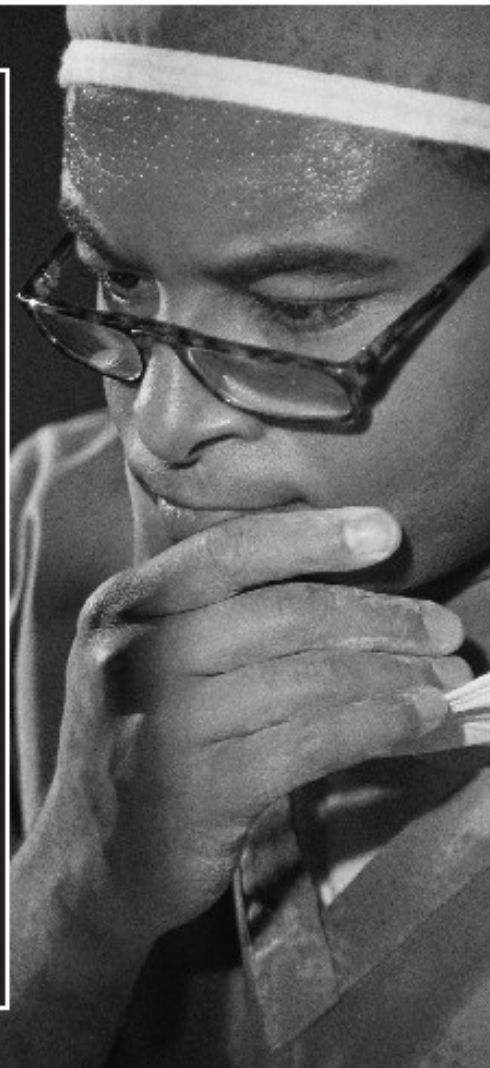
IMPLEMENTATION OF THESE UPDATES

Providers are encouraged to begin implementing streamlined oral patient consent for HIV testing and to continue the practice of documenting each HIV test in the patient's medical record. The NYSDOH will develop regulations regarding these updates to the law. Providers and consumers will have an opportunity to offer comments as the regulations are being drafted. The NYSDOH will update consumer and provider education materials related to HIV testing. To access updated information and materials, please visit: <http://www.health.ny.gov/diseases/aids/providers/testing/>. Questions about the 2014 HIV Testing Update may be sent to HIVtestlaw@notes.health.state.ny.us

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- Increase functional abilities & self-management skills
- Improve compliance with medication & diet regimen
- Decrease re-hospitalization

**VNSW accepts direct referrals from the physician's office,
or from the emergency room with the physician's approval.**



Call
24 Hours
7 Days
a Week

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or visit www.vns.org

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